



SAN DIEGO CITY SCHOOLS

EDUCATION CENTER | 4100 Normal Street

DATE: October 7, 1975

MEMO TO: Members Women in History Committee

FROM: *NK*  
Nick King

SUBJECT: MEETING

Peggy Budd and Myrra Lee have submitted the third chapter of the Women in History guide on the Equal Rights Amendment. This chapter is enclosed for you to review before our next meeting on

WEDNESDAY, OCTOBER 22, 1975

3:30 P.M.

ROOM 2126, ED CENTER

I look forward to seeing you there.

*Minus pp*

NK:pg

encl





## Introduction

The passage of the Suffrage Amendment in 1920 did not bring forth the calamities prophesized by its opponents. Nor did its passage put an end to the multitude of discriminations women faced solely because they were women, whether they occurred in their political, economic, social or personal life.

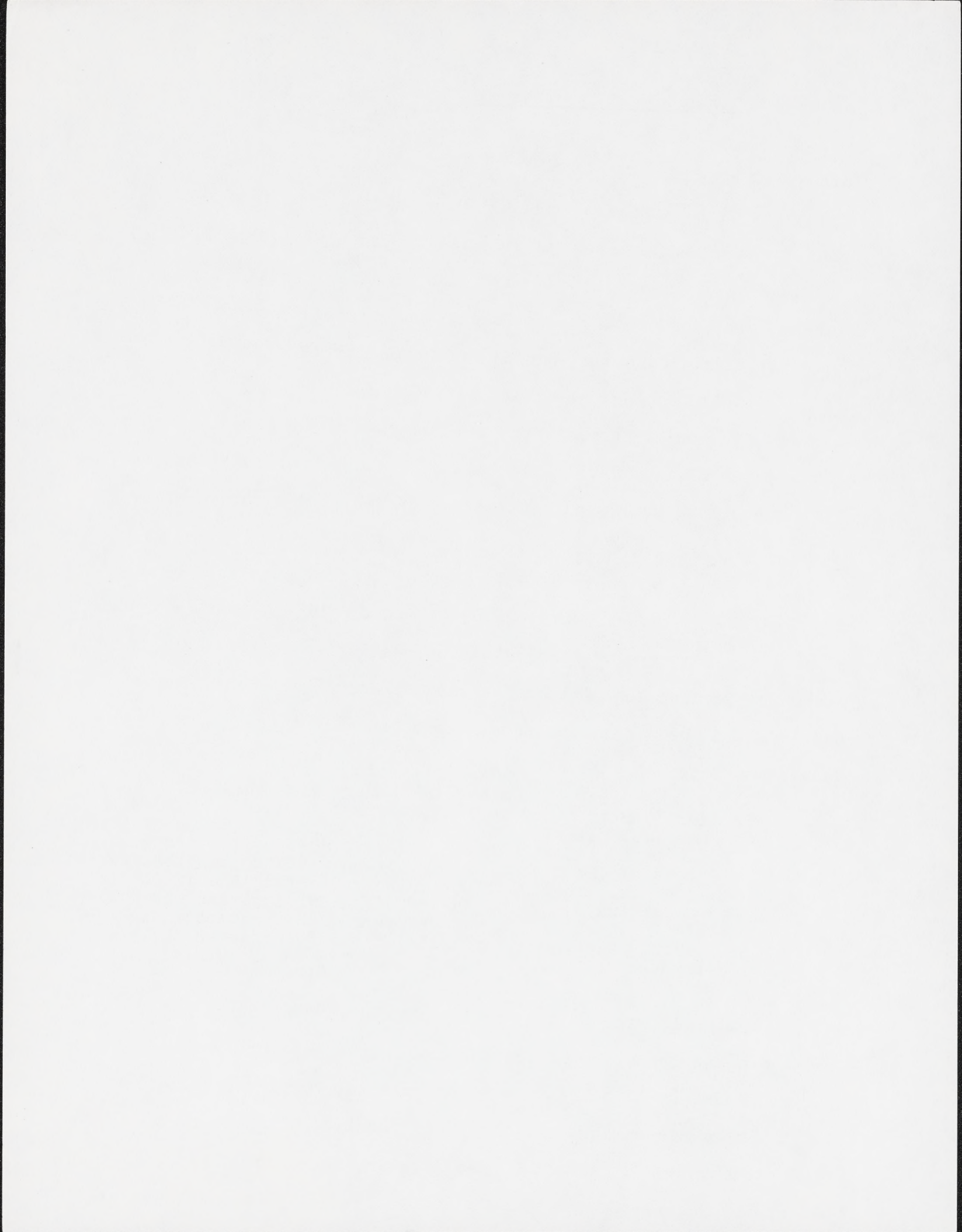
It soon became clear that suffrage alone had not secured equality for women. Women were still dependent for all other rights on the whims of individuals, legislators, judges, or organizations, while the rights duties and privileges of men were clearly defined in law.

Over 70 years of effort were lavished upon the passage of the Suffrage Amendment. Obviously, this would be too heavy a price to pay<sup>in women-years</sup> for each type of discrimination against women remaining in state and federal legislation. A witness from the Women's Party testifying on behalf of the Equal Rights Amendment (ERA) before a Senate Committee in 1931 cited an example:<sup>1</sup>

" . . . It has taken more than 10 years in New York State to try to get the first dent made in jury service. It will take ten times six years and more to get these infinitesimal laws removed from the statute books of the State. It is not only these laws that confront us. There will be crises affecting the lives of women always, as long as we allow our laws and our customs, and in the minds of men and women, this accepted and expected rule that there will be a difference in their treatment. . . ."

Following passage of the 19th amendment hundreds of federal and state laws remained discriminatory against women. The Women's Party, headed by Alice Paul, was instrumental in persuading a congressman to introduce an Equal Rights Amendment into Congress for the first time in 1923. Almost 50 years later, in March of 1972, 87-year old honorary chair of the Women's Party, Dr. Alice Paul was on the phone







urging senators to pass the measure as it went to the Senate floor for the final affirmative vote.

For 49 years the Equal Rights Amendment had been put before Congress. Previous to 1950 the ERA recieved several favorable votes in the house, but not the Senate. From 1950 through 1972 Representative Emanuel Celler, Chair of the Judiciary Committee, refused to hold hearings until Representative Martha Griffiths circumvented this procedure via a discharge petition. Ironically, an ERA introduced into the Senate had been passed by the Senate in 1950 and 1953. The form in which it was finally passed in 1972 reads as follows:

"Equality of rights under the law shall not be denied or abridged by the United States or by an State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

*Put in  
3rd sentence*

This was not the only form in which it was presented over the years.

The "Hayden" rider said, ". . . that no law now in effect or hereafter <sup>any</sup> passed giving women rights, privileges or exemptions shall be affected by this amendment."<sup>2</sup> Stating law in this manner had the effect of cancelling out any resemblance of equality. Senator Ervin of North Carolina formed his version of the ERA in this fashion:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service ~~or~~ or which is reasonably designed to promote the health, safety, privacy, education or economic welfare of women, or to enable them to perform their duties as homemakers or mothers." <sup>3</sup>

The gentleman from North Carolina couching an Equality Amendment in those terms reiterated the still prevalent view of men's

1. Up From the Pedestal, Aileen S. Kraditor, Quadrangle Paperback, p. 296, 1970. (Quadrangle Books, Inc., 12 E. Delaware Place, Chicago 60611)
2. New York Times Magazine, Sept. 20, 1970. "That Equal-Rights Amendment: What Exactly Does it Mean?" by Robert Sherrill.
3. Op. Cit.







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the positive power to approve amendments. Disapproving of an amendment is not provided for. ~~XXXXX~~ For example though Vermont and Connecticut first rejected and then ratified the ERA, will be ignored by the Congress<sup>4</sup> and only the fact that it was ratified will be considered.

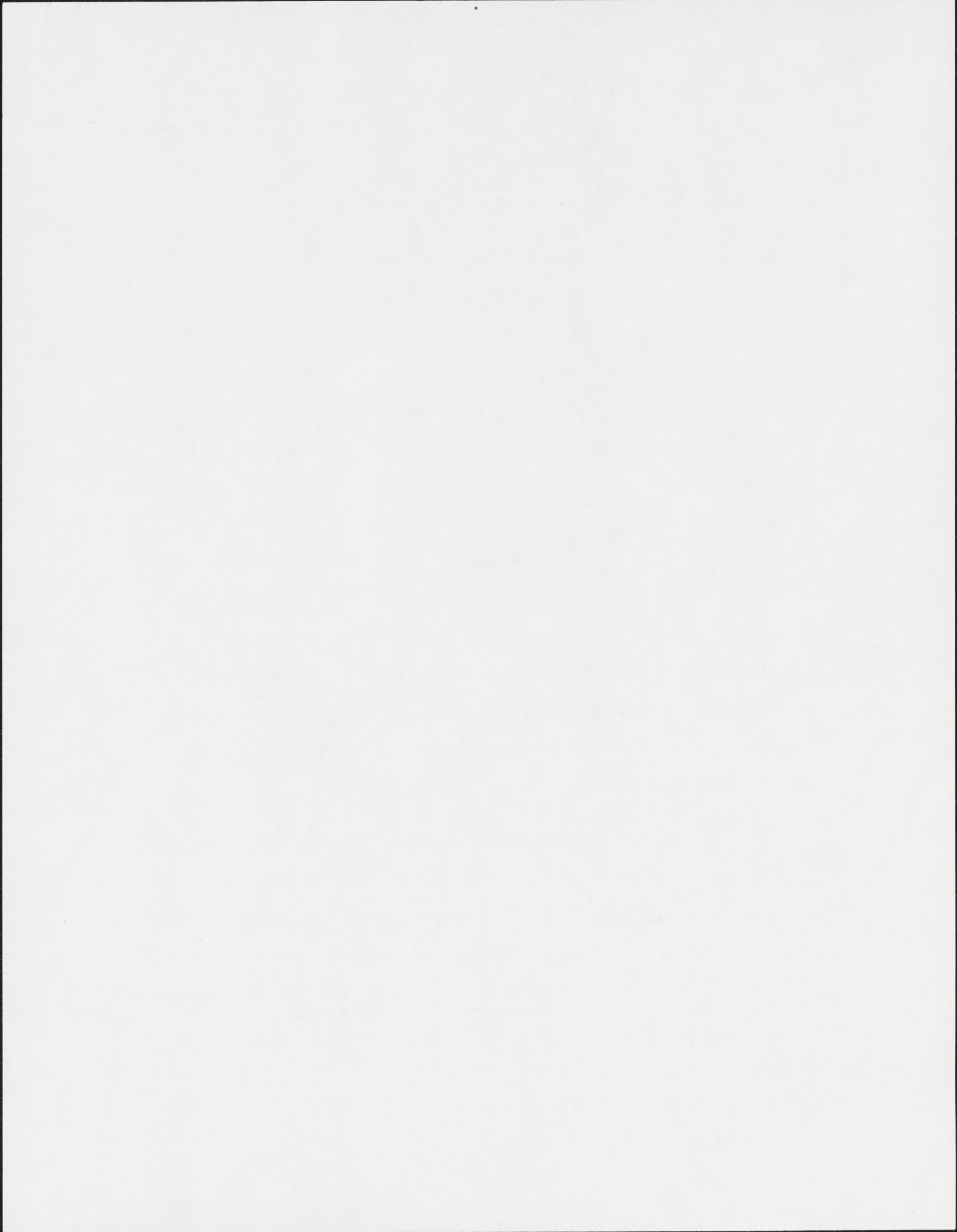
Four more states, must ratify the ERA within seven years (1979) of its original passage by the U.S. Congress for inclusion in the Constitution. Two years after that must elapse before it officially takes effect. Special legislation establishing the Joint Committee on Legal Equality after ratification has put California ahead of many other states in examining all existing state laws. There has been identification of those changes which will be required to bring them into conformance with the principle of the ERA when it becomes part of the Federal Constitution. In 1973, 152 bills on women's issues were introduced--the greatest number before or since. California now has new laws dealing with equal spousal control of community property, elimination of unequal probate procedures on a married woman's estate, equal credit considerations of a woman's income (effective January 1975), new child care provisions and anti-sex discrimination additions to the education code for textbooks and other school curricula.

The AFL-CIO opposed the ERA from its inception in the 1920's. It continued its opposition, through the decades until convinced to change by its own members. A resolution was introduced and passed at the biennial AFL-CIO convention in Bal Harbour, Fla. in October 1973:

Resolved: That this 10th Biennial Convention of the AFL-CIO endorses the Equal Rights Amendment to the

4. Los Angeles Times, March 21, 1973.







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and women's roles: Men still are paternalistic, superior, and protective  
, and women are maternalistic, inferior, and <sup>in need of</sup> protection. Senator Ervin  
is credited with many statements on the subject of women's role including:

"I have always put women on a pedestal and I intend to  
Keep them there."

"God could not be everywhere so he made Mothers."

Once out of the national legislature, many more years of  
lobbying, fund raising, and concerted effort has been required to  
obtain states ratification of the ERA. State legislatures have varied  
in their treatment of ratification. Hawaii wanted to be the first  
to ratify and it was--a mere 3 hours after the Amendment was passed  
by Congress. In California the Assembly passed it 56-11 in April of  
1972. The head of the Senate Rules Committee was able to keep the ERA  
ratification bill from a vote by the full Senate for many months.  
Finally, under pressure of a discharge petition by the State senators  
and a recall petition of the Senate Rules Committee Chair <sup>person</sup> himself,  
the bill was voted out of Committee and passed by the Senate 28-9,  
in November 1972. California became the 22nd state to ratify.

As of August 1975, 34 states have ratified the ERA. Two  
states (Tennessee and Nebraska) have rescinded ratification--an act  
historically Congress has refused to recognize. Several states attempted to  
rescind their ratification to the 14th and 15th amendments in 1868 and  
1869. According to ~~the~~ Article V of the Constitution, constitutional  
amendments are of a political nature and the constitution gives Congress  
complete authority over the procedures for adoption of constitutional  
amendments.

Further J. Wm. Heckman, Chief Counsel to the Senate subcom-  
mittee on Constitutional Amendments cites the Coleman vs. Miller case  
of 1938 heard in the Kansas Supreme Court <sup>which</sup> ~~that~~ held that the U.S.  
~~Supreme~~ Constitution empowers the (state) legislature only with the







U.S. Constitution as precisely the kind of clear statement of national commitment to the principle of equality of the sexes under the law that working women and their unions can use to advantage in their efforts to eliminate employment discrimination against women, and, be it further

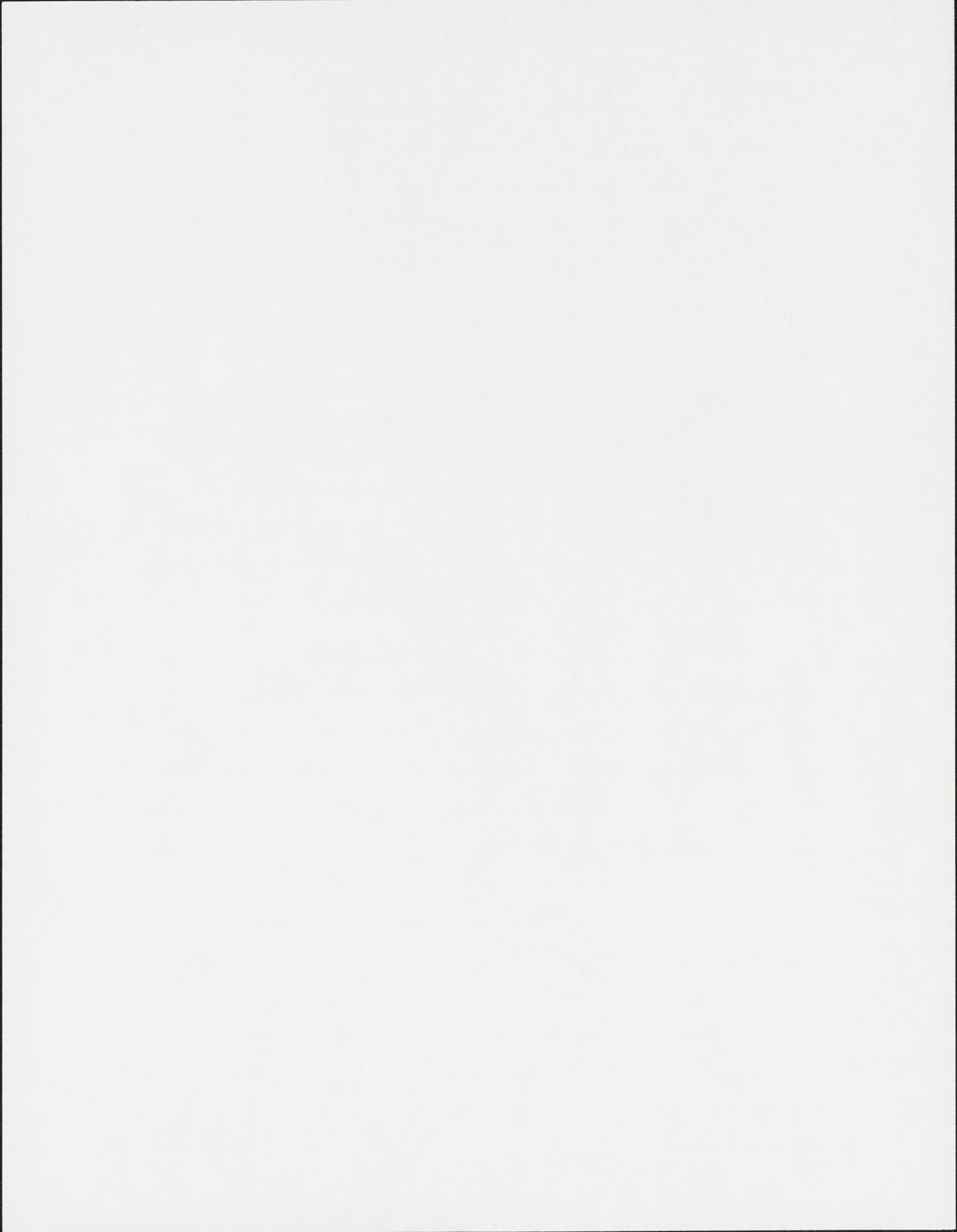
RESOLVED: That state labor federations, in states which have not yet ratified the Equal Rights Amendment, urge their legislatures to act favorably upon the measure.

It was truly a reversal of their earlier position and added great weight in favor of passage in states with high union activity. One of the "whereas" clauses of the Resolution stated:

WHEREAS: The Equal Rights Amendment to the U.S. Constitution has become a rallying issue for its opponents, composed mainly of a coalition of arch-conservative women now being enlisted by the "right-to-work" forces in their efforts to increase the number of states banning union-security agreements, therefore, be it resolved . . .

The "arch-conservative women" alluded to by the resolution became visible in the 1970's . The "STOP ERA" movement, <sup>was</sup> founded and headed by Phyllis Schlafly, the wife of a wealthy lawyer of Alton, Illinois and the mother of six children. In the 1960's she gained public attention by writing a treatise for Barry Goldwater's Presidential Campaign, entitled, A Choice Not An Echo. She has published a monthly newsletter The Schlafly Report since that time and currently gives five minute commentaries on national radio. She travels widely on speaking tours, appears on talk shows, before women's groups, maintains Republican contacts, testifies before legislators and works at enlisting the support of local Roman Catholic lay groups and labor unions. Some news articles have stated that she is supported by "big" monied interests, but Mrs. Schlafly claims that the small five dollar contributions for the newsletter is the basis of her support.







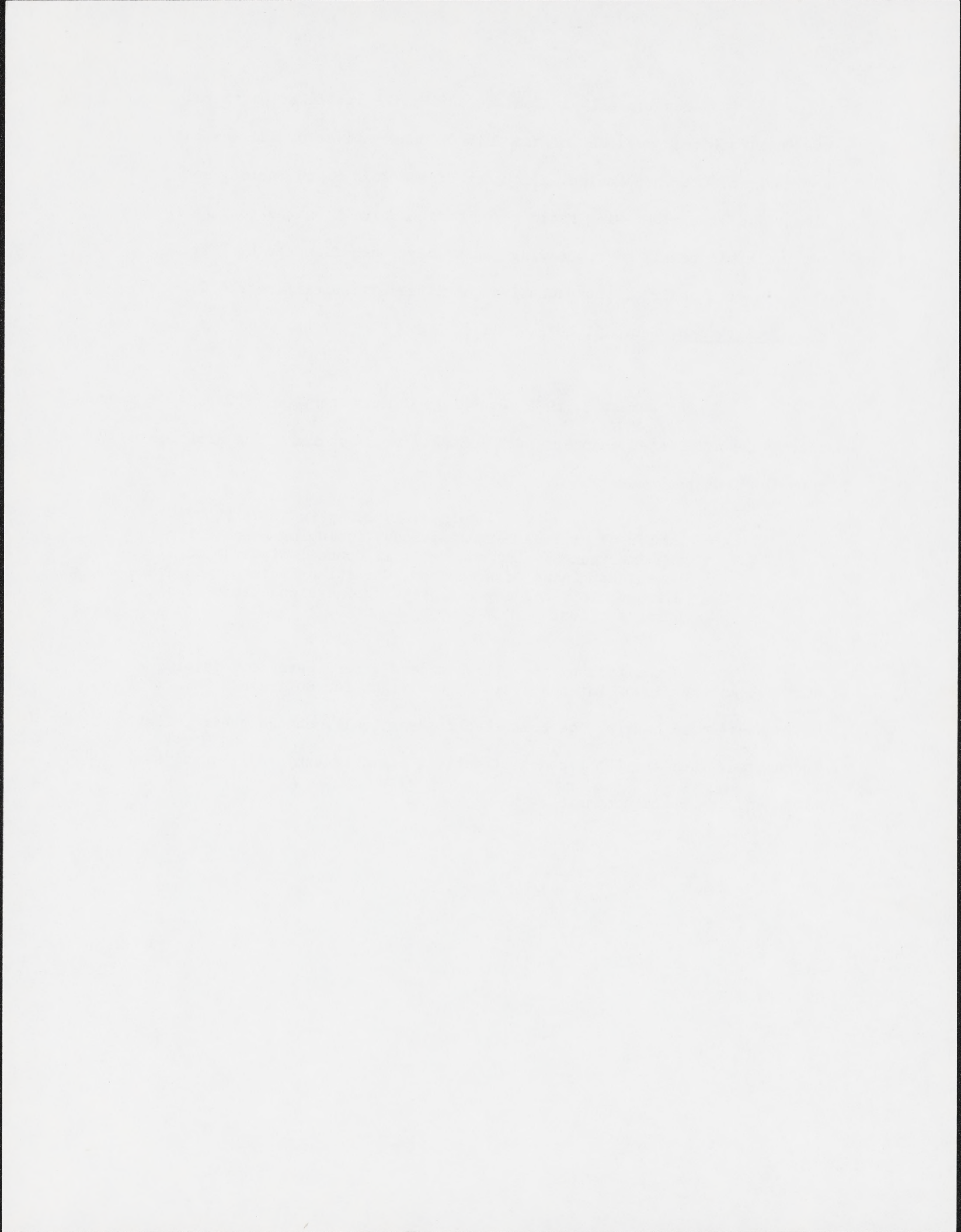
Her top ally in Indiana during the ratification <sup>effort</sup> there, was Charles Rice, president of the United Conservatives of Indiana and a protege of Clarence Manion, a founder of the John Birch Society and director of the right-wing radio show, Manion Forum. In the past her activities in behalf of right-wing causes have been financed by Patrick Frawley, Jr., chair of the executive committee of Schick Electric Co. (The Spokeswoman, Feb. 15, 1973, p. 1.).

An August 3, 1975, San Diego Union report on "STOP ERA" estimated there were affiliated chapters of "STOP ERA" in 35 states. The article reported that they were:

" . . . joined, at least indirectly, by a number of national organizations, including Daughters of the American Revolution, National Council of Catholic Women, Happiness of Womanhood, Christian Crusade, the John Birch Society and several State business and professional women's clubs.

Opposition by specific business groups have not visibly surfaced as the liquor interests did in the fight for Suffrage. Some businesses would however, be compelled to drastically change their policies and actions when the ERA becomes effective, e.g., leading credit institutions and insurance companies.







Unit The Equal Rights Amendment

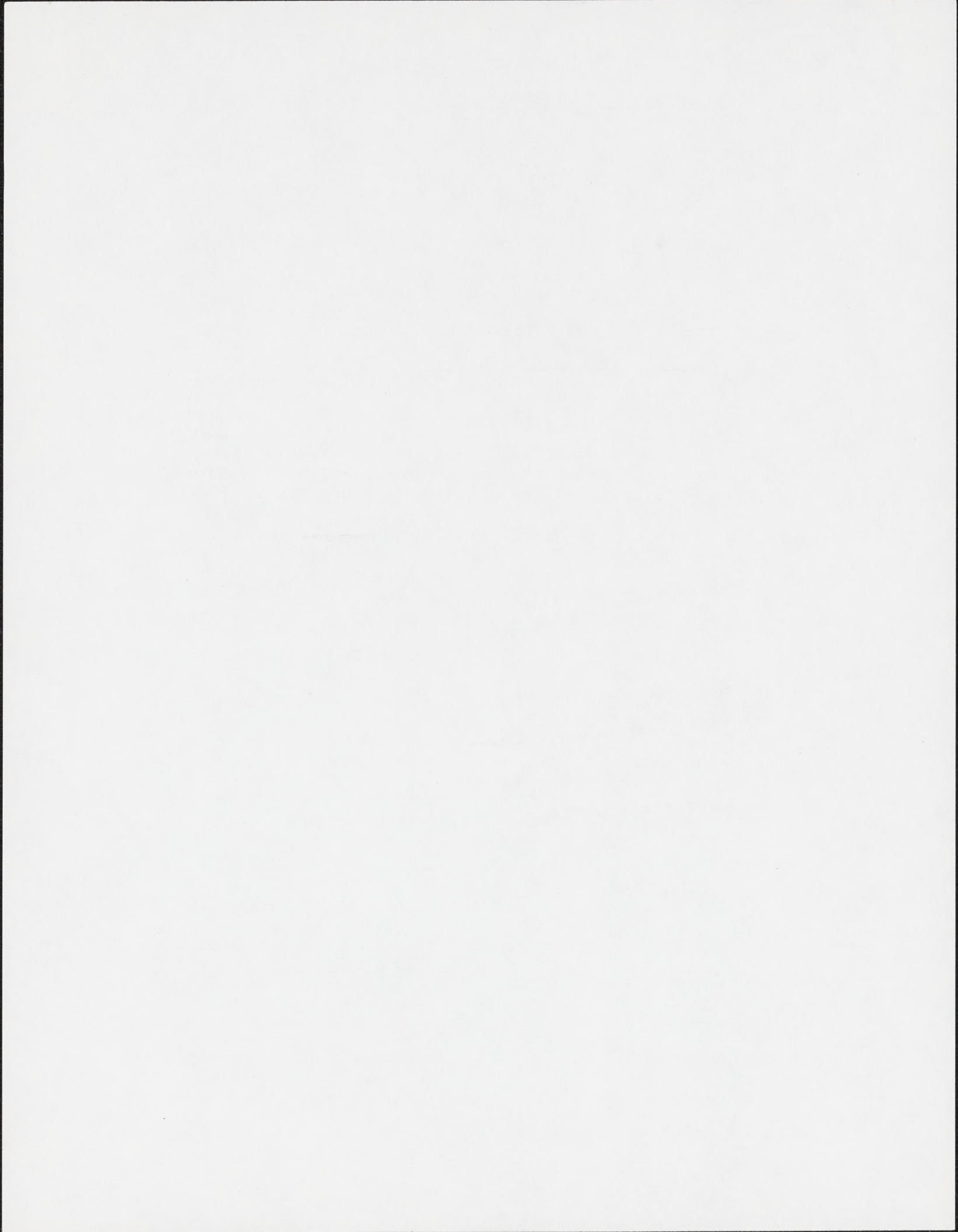
Behavioral Objectives

1. The students will demonstrate their understanding of the constitutional process by writing a hypothesis as to why it has been so difficult to enact and ratify an equal rights amendment.
2. The students will demonstrate their understanding of the issues <sup>pro & con</sup> ~~pro and con~~ on the ERA by listing the arguments presented by the <sup>or</sup> ~~cited~~ in the unit. ~~authors that they find most valid.~~
3. The students will demonstrate their understanding of the current <sup>simulated</sup> ~~pro and con~~ issues <sup>by</sup> ~~via~~ their active participation in an ERA rally. <sup>in which students will take</sup> ~~Concurring or opposing viewpoints.~~
4. Students will differentiate between people's feelings and factual information about the ERA by writing <sup>items</sup> ~~questions~~ to be used in a public poll.
5. Students will demonstrate their understanding of the differences and similarities between the 19th and 27th amendments in small group discussions.

~~listing issues~~

~~points to~~







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ERA UNIT

Activity One - Fifty Years in Congress - Amending the Constitution: How & Why?

Hand out dittoed copies of article. After students have read discuss why it is so difficult to amend the Constitution. After discussion students should be able to write a hypothesis about why it has been so difficult to enact an Equal Rights Amendment. Have several students read theirs to the class and ask for reactions. All students should hold their hypothesis till the end of unit when they will either accept or restate them.

Activity Two - Pro and Con Opinions About E.R.A. during the 1930's -

Divide the class and have one half read the pro opinions, Gillette, O'Donnell and Maloney. The other half of the class should read the con opinions, Frankfurter, Green, Ryan, National Council of Catholic Women. Divide the class into workable groups with half of the group part of the pro argument information and the other half with the con. Each group should draw up a list of the issues presented by the readings. Each group should also determine which arguments it finds to be valid.

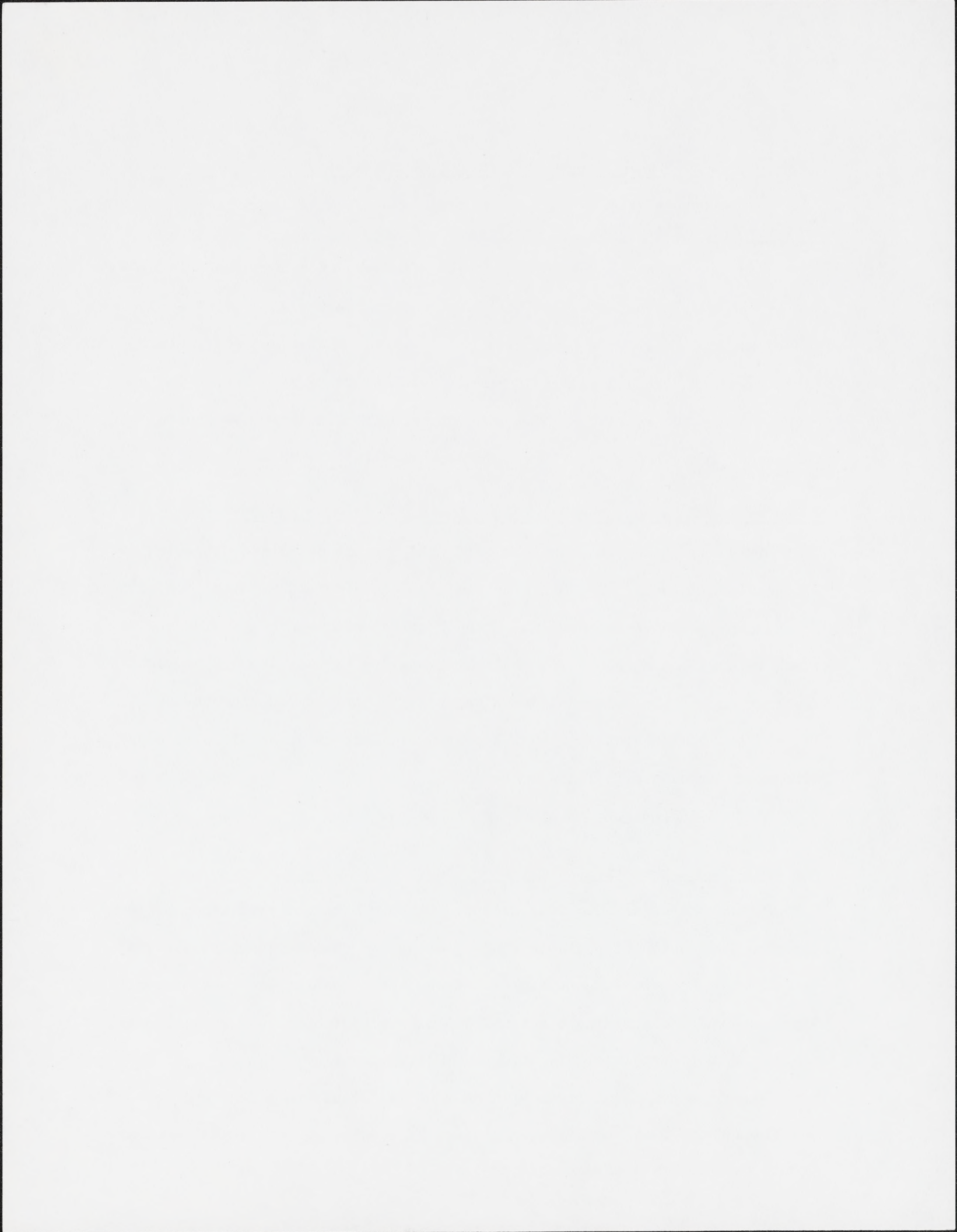
List the acceptable opinions on the board.

Activity Three - Pro and Con Opinions about the E.R.A. - current -

Divide the class into four groups. Group one should read handout from National Federation of Business Clubs. Group two should read handout from Committee to Restore Women's Rights. Group three should read handout dealing with laws which discriminate against women. Group four should read handout dealing with protective legislation and Social Security.

Conduct a political <sup>rally</sup> ~~forum~~ with half of the class pro E.R.A. and half of the class con E.R.A. Construct placards, banners, etc. All class members should be able to have something to say.







Activity Four - Present Personal Opinions about the E.R.A.

1. Entire class should read handouts from articles by Davison, Morgan  
*Schlafly*  
~~Shafly~~, etc.

Place students into small groups and have them compare and contrast these views with those expressed by opponents to the 19th Amendment (Activity One of Suffrage Unit)

2. Class ~~should~~ *could* devise format for interview of parents, neighbors, etc. concerning whether the E.R.A. should be ratified. After completing the interview hold a review session to determine whether interviewees understand the facts about the E.R.A., and whether they understood that it deals with laws and opportunities, not personal relationships, e.g., ~~where one goes to the bathroom or roles played by individual people.~~



